

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2009-0525

MANDATORY PENALTY  
IN THE MATTER OF

MANDATORY PENALTY  
IN THE MATTER OF  
TOWN OF DISCOVERY BAY  
DISCOVERY BAY WASTEWATER TREATMENT PLANT  
CONTRA COSTA COUNTY

This Complaint is issued to the Town of Discovery Bay (hereafter Discharger) pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability, and CWC section 13323, which authorizes the Executive Officer to issue this Complaint. This complaint is based on findings that the Discharger violated provisions of Waste Discharge Requirements (WDRs) Order R5-2003-0067 (NPDES No. CA0078590).

The Executive Officer of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) finds the following:

1. The Town of Discovery Bay owns the Discovery Bay Wastewater Treatment Plant (WWTP), which provides sewerage service to the town of Discovery Bay in Contra Costa County. Treated domestic, commercial and industrial wastewater is discharged to Old River, a water of the United States
2. On 25 April 2003, the Central Valley Water Board issued WDRs R5-2003-0067 to regulate discharges of waste from the wastewater treatment plant.
3. On 18 March 2008, the Assistant Executive Officer of the Central Valley Water Board issued Administrative Civil Liability Complaint R5-2008-0511 for mandatory minimum penalties for effluent violations from 1 April 2004 through 31 December 2007. The Discharger has paid the penalty and the Central Valley Water Board considers this matter settled.
4. On 24 February 2009, the Central Valley Water Board sent the Discharger a draft Record of Violations (ROV). The Discharger responded on 9 March 2009. The Discharger provided comments regarding interpretation of the WDRs and requested deletion of several violations listed in the ROV. Central Valley Water Board staff discussed the changes with the Discharger and has prepared a technical memorandum, included as Attachment B and discussed in Finding 8 of this Complaint, which explains adjustments made to the ROV.
5. CWC section 13385(i) requires assessment of mandatory penalties and states, in part:  
Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times

in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

- A) Violates a waste discharge requirement effluent limitation.
- B) Fails to file a report pursuant to Section 13260.
- C) Files an incomplete report pursuant to Section 13260.
- D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

6. CWC section 13323 states, in part:

Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall allege the act or failure to act that constitutes a violation of law, the provision authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability.

7. WDRs Order R5-2003-0067 Effluent Limitations No. B. 2 includes, in part, the following effluent limitations which are in effect after the outfall and diffuser for direct discharge to Old River has been constructed, or 1 June 2004, whichever is earlier:

<u>Constituent</u>	<u>Unit</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>7-day Median</u>	<u>Daily Maximum</u>
TSS <sup>2</sup>	mg/L	30	40		50
	lbs/day <sup>3</sup>	525	700		875
<u>Total Coliform</u>	MPN/100mL			23	240

<sup>2</sup> To be ascertained by a 24-hour composite.

<sup>3</sup> Based upon a design treatment capacity of 2.1 mgd.

8. As described in the technical memorandum mentioned in Finding No. 4, Central Valley Water Board staff made the following adjustments to the draft Record of Violations (all violation numbers reference those contained in the draft Record of Violations).

- Alleged violations not cited in ACLC R5-2008-0511. The Discharger correctly stated that the copper violations cited in the draft ROV and the CIWQS database were incorrectly interpreted and were not effluent limitation violations. The Discharger is correct. After removing the alleged June 2004 copper violations, there were no additional unresolved violations prior to 1 January 2008.
- One total suspended solids violation cited in the ROV had been incorrectly calculated on the self-monitoring reports. This violation was deleted.
- Violations 45-51 (new Violations 13-20). The ROV incorrectly listed these as chronic violations not subject to MMPs. However, these were chronic violations subject to MMPs because there were three or more violations during the previous 180 days. The violations were corrected.

9. According to the Discharger's self-monitoring reports, the Discharger committed twenty (20) non-serious violations of the above effluent limitations contained in Order R5-2003-0067 during the period beginning 1 January 2008 and ending 31 December 2008. Eighteen (18) of the non-serious violations are subject to mandatory penalties under CWC section 13385(i)(1) because these violations were preceded by three or more similar violations within a six-month period. The mandatory minimum penalty for these non-serious violations is **fifty-four thousand dollars (\$54,000)**.
10. The total amount of the mandatory penalties assessed for the cited effluent violations is **fifty-four thousand dollars (\$54,000)**. A detailed list of the cited effluent violations is included in Attachment A, a part of this Complaint.
11. Issuance of this Administrative Civil Liability Complaint to enforce CWC Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.), in accordance with California Code of Regulations, title 14, section 15321(a)(2).

**THE TOWN OF DISCOVERY BAY IS HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Central Valley Water Board proposes that the Discharger be assessed an Administrative Civil Liability in the amount of **fifty-four thousand dollars (\$54,000)**.
2. A hearing on this matter will be held at the Central Valley Water Board meeting scheduled on **11/12 June 2009**, unless the Discharger does either of the following by **29 April 2009**:
  - a) Waives the hearing by completing the attached form (checking off the box next to item #4) and returning it to the Central Valley Water Board, along with payment for the proposed civil liability of **fifty-four thousand dollars (\$54,000)**; or
  - b) Agrees to enter into settlement discussions with the Central Valley Water Board and requests that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and returning it to the Central Valley Water Board along with a letter describing the issues to be discussed.

3. If a hearing on this matter is held, the Central Valley Water Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

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PAMELA C. CREEDON, Executive Officer

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30 March 2009

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Attachment A: Record of Violations  
Attachment B: Memorandum  
BLH: 30-Mar-09

**WAIVER OF 90-DAY HEARING REQUIREMENT FOR  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

1. I am duly authorized to represent the Town of Discovery Bay (hereinafter "Discharger") in connection with Administrative Civil Liability Complaint R5-2009-0525 (hereinafter the "Complaint");
2. I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served" with the Complaint;
3. I hereby waive any right the Discharger may have to a hearing before the Central Valley Regional Water Quality Control Board (Central Valley Water Board) within ninety (90) days of service of the Complaint; and
4. ☐ **(Check here if the Discharger will waive the hearing requirement and will pay the fine)**
  - a. I certify that the Discharger will remit payment for the civil liability imposed in the amount of **fifty-four thousand dollars (\$54,000)** by check, which contains a reference to "ACL Complaint R5-2009-0525" and is made payable to the "State Water Pollution Cleanup and Abatement Account." Payment must be received by the Central Valley Water Board by **29 April 2009** or this matter will be placed on the Central Valley Water Board's agenda for adoption as initially proposed in the Complaint.
  - b. I understand the payment of the above amount constitutes a settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period mandated by Federal regulations (40 CFR 123.27) expires. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. New information or comments include those submitted by personnel of the Central Valley Water Board who are not associated with the enforcement team's issuance of the Complaint.
  - c. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

-or-

5. ☐ **(Check here if the Discharger will waive the 90-day hearing requirement, but will not pay at the current time. The Central Valley Water Board must receive information from the Discharger indicating a controversy regarding the assessed penalty at the time this waiver is submitted, or the waiver may not be accepted.)** I certify that the Discharger will promptly engage the Central Valley Water Board staff in discussions to resolve the outstanding violation(s). By checking this box, the Discharger is *not* waiving its right to a hearing on this matter. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and Central Valley Water Board staff can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. A hearing on the matter may be held before the Central Valley Water Board if these discussions do not resolve the liability proposed in the Complaint. The Discharger agrees that this hearing may be held after the 90-day period referenced in California Water Code section 13323 has elapsed.
6. If a hearing on this matter is held, the Central Valley Water Board will consider whether to issue, reject, or modify the proposed Administrative Civil Liability Order, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed Administrative Civil Liability Order may include increasing the dollar amount of the assessed civil liability.

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(Print Name and Title)

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(Signature)

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(Date)

**ATTACHMENT A**  
**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2009-0525**

**Town of Discovery Bay**  
**Wastewater Treatment Plant**

RECORD OF VIOLATIONS (1 January 2008 – 31 December 2008) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program R5-2003-0003)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period</u> <u>Type</u>	<u>CIWQS</u> <u>Number</u>	<u>Remarks</u>
1	2-Jan-08	Coliform	MPN/100mL	23	>1600	7-day	790220	4
2	8-Jan-08	Coliform	MPN/100mL	23	801	7-day	790221	4
3	29-Jan-08	Coliform	MPN/100mL	23	42	7-day	790222	4
4	30-Jan-08	Coliform	MPN/100mL	23	41	7-day	790224	4
5	12-Feb-08	Coliform	MPN/100mL	240	>1600	Daily	790225	4
6	12-Feb-08	Coliform	MPN/100mL	23	865	7-day	805121	4
7	13-Feb-08	Coliform	MPN/100mL	23	804	7-day	805123	4
8	26-Feb-08	Coliform	MPN/100mL	23	97	7-day	790229	4
9	27-Feb-08	Coliform	MPN/100mL	23	97	7-day	805124	4
10	10-Jun-08	Coliform	MPN/100mL	240	>1600	Daily	805125	4
11	16-Sep-08	TSS	mg/L	50	68	Daily	805126	3
12	20-Sep-08	TSS	mg/L	40	41	Weekly	805127	3
13	14 Oct 08	TSS	mg/L	50	55	Daily	808410	4
14	12-Nov-08	Coliform	MPN/100mL	23	46	7-day	805130	4
15	29-Dec-08	TSS	mg/L	50	57	Daily	805131	4
16	29-Dec-08	TSS	lbs/day	875	899	Daily	805134	4
17	30-Dec-08	TSS	mg/L	50	51	Daily	805132	4
18	30-Dec-08	Coliform	MPN/100mL	23	840	7-day	805136	4
19	31-Dec-08	TSS	mg/L	40	54	Weekly	805133	4
20	31-Dec-08	TSS	lbs/day	700	853	Weekly	805135	4

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

<b><u>VIOLATIONS AS OF:</u></b>	<b><u>12/31/2008</u></b>
Group I Serious Violations:	0
Group II Serious Violations:	0
Non-Serious Exempt from MPs:	2
Non-serious Violations Subject to MPs:	18
<b><u>Total Violations Subject to MPs:</u></b>	<b><u>18</u></b>

**Mandatory Minimum Penalty = (0 Serious Violations + 18 Non-Serious Violations) x \$3,000 = \$54,000**



Linda S. Adams  
Secretary for  
Environmental Protection

## ATTACHMENT B

# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold  
Schwarzenegger  
Governor

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<http://www.waterboards.ca.gov/centralvalley>

**TO:** Wendy Wyels, Supervisor  
NPDES Compliance and Enforcement

**FROM:** Barry Hilton, WRCE  
NPDES Compliance and Enforcement

**DATE:** 17 March 2009

**SIGNATURE:** \_\_\_\_\_

**SUBJECT:** TOWN OF DISCOVERY BAY WWTP ASSESSMENT OF MMPs

On 24 February 2009, Central Valley Water Board staff sent the Discharger a draft Record of Violations (ROV) for the period 1 April 2004 through 31 December 2008. The Discharger responded on 9 March 2009. The following discusses the changes I made to the ROV during my preparation of the Administrative Civil Liability Complaint.

### **Violations not Assessed MMPs in Administrative Civil Liability Complaint R5-2008-0511**

The Draft ROV included three copper violations shown in CIWQS database which had not been included in ACLC R5-2008-0511. In addition, the Draft ROV included five chronic violations (numbers 4-6, 8, and 9) which had been exempted from MMPs in R5-2008-0511 but because of the addition of violations 1-3, were now subject to MMPs.

#### **Copper**

Violations 1-2. Violations 1-2 were entered into the CIWQS database. The Discharger correctly pointed out that, based upon footnote 6 in Attachment E in the WDRs, the limitation was 75 µg/L, not 10 µg/L. I deleted these violations.

Violation 3. Violation 3 was entered into the CIWQS database as a 4-day average violation. The Discharger correctly pointed out there is no 4-day average in the WDRs. I deleted the violation.

Violation 6. With the addition of the above three violations, Violation 6 was changed from a Remark 3 in ACLC R5-2008-0511 to Remark 4 in the draft ROV. The Discharger correctly stated that with the deletion of violations 1-3, this no longer should have been listed as a violation subject to an MMP. I deleted the violation.

#### **Coliform**

Violation 8, 10. The Discharger correctly stated that these violations had been included in the calculations for MMPs in ACLC R5-2008-0511. I deleted these violations.

Based upon the Discharger's comments and our subsequent corrections to the ROV, there are no longer any violations that occurred prior to 1 January 2008 that were not addressed in ACLC R5-2008-0511. Therefore, this ACLC will only address violations from 1 January 2008 through December 2008.

### **Violations from 1 January 2008 to 31 December 2008.**

#### **Coliform**

Violation 31. The Discharger stated that the violation should have been for a daily "period type" instead of 7-day. Violation 32 addresses the violation of the 7-day median. I changed violation 31 from a 7-day to daily period and changed the limitation to 240 MPN/100 mL. With these corrections, a non-serious violation subject to MMPs still occurred.

#### **Total Suspended Solids**

New Violation 12. The ROV did not include the 14 October 2008 daily 55 mg/L TSS violation. I added the violation.

Violation 42. The self-monitoring report stated 1191 lbs/day. The Discharger showed that it had made an incorrect calculation on the self-monitoring report and should have reported 633 lbs/day which was not a violation. I deleted the violation.

Violation 43. The ROV shows the date of the violation as the last day of the week (20 September 2008). The Discharger states that there was no plant data taken on 20 September 2008 and that presumably the date was 2 September 2008. This is not correct. Our procedure is to consider a week to be comprised of Sunday through Saturday. 20 September 2008 was a Saturday, the last day of the week. I retained the violation.

Violation 44. The ROV shows the date of the violation as the last day of the week (20 September 2008). The Discharger states that there was no plant data taken on 20 September 2008 and that presumably the date was 2 September 2008. This is not correct. Our procedure is to consider a week to be comprised of Sunday through Saturday. 20 September 2008 was a Saturday, the last day of the week. For the week, the average flow was 1.34 mgd. For an average TSS of 40 mg/L, the mass discharge of TSS was  $40 \times 8.345 \times 1.34 = 447$  lbs/day. The weekly effluent limitation was 700 lbs/week. I deleted the violation because the weekly average of 447 lbs/day is less than the weekly effluent limitation of 700 lbs/day.

Violations 45-51. The ROV indicated that these violations were Remark 3, fewer than three violations during the preceding 180 days. Properly, these were Remark 4, more than three violations during the preceding 180 days. I changed the violations to Remark 4. I have discussed this with the Discharger.



**Discovery Bay  
Wastewater Treatment Plant**

RECORD OF VIOLATIONS (~~1 April 2004~~ **1 Jan 2008** – 31 December 2008) MANDATORY PENALTIES  
(Data reported under Monitoring and Reporting Program No. R5-2003-0067)

	<u>Date</u>	<u>Violation Type</u>	<u>Units</u>	<u>Limit</u>	<u>Measure</u> <u>d</u>	<u>Period Type</u>	<u>CIWQS Number</u>	<u>Remarks</u>
<del>1</del>	<del>9-Jun-04</del>	<del>Copper</del>	<del>µg/L</del>	<del>40</del>	<del>20</del>	<del>Daily</del>	<del>257244</del>	<del>2</del>
<del>2</del>	<del>23-Jun-04</del>	<del>Copper</del>	<del>µg/L</del>	<del>40</del>	<del>26</del>	<del>Daily</del>	<del>257245</del>	<del>2</del>
<del>3</del>	<del>23-Jun-04</del>	<del>Copper</del>	<del>µg/L</del>	<del>20</del>	<del>26</del>	<del>4-day</del>	<del>257246</del>	<del>2</del>
<del>44</del>	<del>6-Jul-04</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>240</del>	<del>4600</del>	<del>Daily</del>	<del>257745</del>	<del>34</del>
<del>25</del>	<del>27-Jul-04</del>	<del>TSS</del>	<del>mg/L</del>	<del>50</del>	<del>56</del>	<del>Daily</del>	<del>257774</del>	<del>34</del>
<del>36</del>	<del>13-Oct-04</del>	<del>Copper</del>	<del>µg/L</del>	<del>96</del>	<del>110</del>	<del>Daily</del>	<del>257775</del>	<del>34</del>
<del>47</del>	<del>31-Oct-04</del>	<del>Copper</del>	<del>µg/L</del>	<del>52</del>	<del>90</del>	<del>Monthly</del>	<del>257776</del>	<del>2</del>
<del>58</del>	<del>23-Feb-05</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>240</del>	<del>500</del>	<del>Daily</del>	<del>258037</del>	<del>34</del>
<del>69</del>	<del>12-Apr-05</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>240</del>	<del>300</del>	<del>Daily</del>	<del>258039</del>	<del>3</del>
<del>710</del>	<del>13-Apr-05</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>240</del>	<del>4600</del>	<del>Daily</del>	<del>258038</del>	<del>34</del>
<del>911</del>	<del>27-Apr-05</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>240</del>	<del>500</del>	<del>Daily</del>	<del>258040</del>	<del>4</del>
<del>812</del>	<del>27-Apr-05</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>23</del>	<del>305</del>	<del>7-day</del>	<del>258044</del>	<del>4</del>
<del>101</del>								
<del>3</del>	<del>28-Apr-05</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>23</del>	<del>110</del>	<del>7-day</del>	<del>258071</del>	<del>4</del>
<del>111</del>								
<del>4</del>	<del>3-May-05</del>	<del>Coliform</del>	<del>MPN/100 mL</del>	<del>23</del>	<del>30</del>	<del>7-day</del>	<del>258041</del>	<del>4</del>
<del>121</del>								
<del>5</del>	<del>31-Jul-05</del>	<del>Copper</del>	<del>µg/L</del>	<del>25</del>	<del>35</del>	<del>Monthly</del>	<del>258043</del>	<del>2</del>
<del>131</del>								
<del>6</del>	<del>30-Apr-06</del>	<del>Copper</del>	<del>µg/L</del>	<del>22</del>	<del>25</del>	<del>Monthly</del>	<del>258072</del>	<del>3</del>
<del>141</del>								
<del>7</del>	<del>30-Jun-06</del>	<del>Copper</del>	<del>µg/L</del>	<del>11</del>	<del>20</del>	<del>Monthly</del>	<del>263580</del>	<del>2</del>
<del>151</del>								
<del>8</del>	<del>5-Jul-06</del>	<del>Copper</del>	<del>µg/L</del>	<del>21</del>	<del>40</del>	<del>Daily</del>	<del>263582</del>	<del>2</del>
<del>161</del>								
<del>9</del>	<del>12-Jul-06</del>	<del>Copper</del>	<del>µg/L</del>	<del>21</del>	<del>40</del>	<del>Daily</del>	<del>263583</del>	<del>2</del>
<del>172</del>								
<del>0</del>	<del>31-Jul-06</del>	<del>Copper</del>	<del>µg/L</del>	<del>17</del>	<del>40</del>	<del>Monthly</del>	<del>263581</del>	<del>2</del>
<del>182</del>								
<del>1</del>	<del>31-Jul-06</del>	<del>Copper</del>	<del>lbs/day</del>	<del>0.3</del>	<del>0.4</del>	<del>Monthly</del>	<del>264239</del>	<del>2</del>
<del>192</del>								
<del>2</del>	<del>7-Feb-07</del>	<del>Coliform</del>	<del>MPN/100mL</del>	<del>240</del>	<del>4600</del>	<del>Daily</del>	<del>264237</del>	<del>3</del>
<del>202</del>								
<del>3</del>	<del>12-Feb-07</del>	<del>Coliform</del>	<del>MPN/100mL</del>	<del>240</del>	<del>4600</del>	<del>Daily</del>	<del>264240</del>	<del>3</del>
<del>212</del>								
<del>4</del>	<del>10-Oct-07</del>	<del>Coliform</del>	<del>MPN/100mL</del>	<del>240</del>	<del>4600</del>	<del>Daily</del>	<del>264238</del>	<del>3</del>
<del>232</del>								
<del>5</del>	<del>10-Oct-07</del>	<del>Coliform</del>	<del>MPN/100mL</del>	<del>23</del>	<del>802</del>	<del>7-day</del>	<del>267222</del>	<del>3</del>
<del>222</del>								
<del>6</del>	<del>24-Oct-07</del>	<del>Coliform</del>	<del>MPN/100mL</del>	<del>240</del>	<del>4600</del>	<del>Daily</del>	<del>267218</del>	<del>3</del>
<del>27</del>	<del>24-Oct-07</del>	<del>Coliform</del>	<del>MPN/100mL</del>	<del>23</del>	<del>801</del>	<del>7-day</del>	<del>267619</del>	<del>4</del>
<del>28</del>	<del>25-Oct-07</del>	<del>Coliform</del>	<del>MPN/100mL</del>	<del>23</del>	<del>130</del>	<del>7-day</del>	<del>267618</del>	<del>4</del>
<del>29</del>	<del>26-Oct-07</del>	<del>Coliform</del>	<del>MPN/100mL</del>	<del>23</del>	<del>69</del>	<del>7-day</del>	<del>267632</del>	<del>4</del>

	Date	Violation Type	Units	Limit	Measure d	Period Type	CIWQS Number	Remarks
<del>30</del>	<del>30-Oct-07</del>	<del>Coliform</del>	<del>MPN/100mL</del>	<del>23</del>	<del>69</del>	<del>7-day</del>	<del>268832</del>	4
<del>134</del>	2-Jan-08	Coliform	MPN/100mL	240	>1600	Daily	790220	4
<del>232</del>	8-Jan-08	Coliform	MPN/100mL	23	801	7-day	790221	4
<del>333</del>	29-Jan-08	Coliform	MPN/100mL	23	42	7-day	790222	4
<del>434</del>	30-Jan-08	Coliform	MPN/100mL	23	41	7-day	790224	4
<del>535</del>	12-Feb-08	Coliform	MPN/100mL	240	>1600	Daily	790225	4
<del>636</del>	12-Feb-08	Coliform	MPN/100mL	23	865	7-day	805121	4
<del>737</del>	13-Feb-08	Coliform	MPN/100mL	23	804	7-day	805123	4
<del>838</del>	26-Feb-08	Coliform	MPN/100mL	23	97	7-day	790229	4
<del>939</del>	27-Feb-08	Coliform	MPN/100mL	23	97	7-day	805124	4
<del>104</del>								
<del>0</del>	10-Jun-08	Coliform	MPN/100mL	240	>1600	Daily	805125	4
<del>114</del>								
<del>4</del>	16-Sep-08	TSS	mg/L	50	68	Daily	805126	3
<del>42</del>	<del>16-Sep-08</del>	<del>TSS</del>	<del>lbs/day</del>	<del>875</del>	<del>1194</del>	<del>Daily</del>	<del>805128</del>	<del>3</del>
<del>124</del>								
<del>3</del>	20-Sep-08	TSS	mg/L	40	41	Weekly	805127	3
<del>44</del>	<del>20-Sep-08</del>	<del>TSS</del>	<del>lbs/day</del>	<del>700</del>	<del>710</del>	<del>Weekly</del>	<del>805129</del>	<del>4</del>
<del>13</del>	14 Oct 08	TSS	mg/L	50	55	Daily	808410	4
<del>144</del>								
<del>5</del>	12-Nov-08	Coliform	MPN/100mL	23	46	7-day	805130	<del>34</del>
<del>154</del>								
<del>6</del>	29-Dec-08	TSS	mg/L	50	57	Daily	805131	<del>34</del>
<del>164</del>								
<del>7</del>	29-Dec-08	TSS	lbs/day	875	899	Daily	805134	<del>34</del>
<del>174</del>								
<del>8</del>	30-Dec-08	TSS	mg/L	50	51	Daily	805132	<del>34</del>
<del>184</del>								
<del>9</del>	30-Dec-08	Coliform	MPN/100mL	23	840	7-day	805136	<del>34</del>
<del>195</del>								
<del>0</del>	31-Dec-08	TSS	mg/L	40	54	Weekly	805133	<del>34</del>
<del>205</del>								
<del>4</del>	31-Dec-08	TSS	lbs/day	700	853	Weekly	805135	<del>34</del>

Remarks:

1. Serious Violation: For Group I pollutants that exceed the effluent limitation by 40 percent or more.
2. Serious Violation: For Group II pollutants that exceed the effluent limitation by 20 percent or more.
3. Non-serious violations falls within the first three violations in a six-month period, thus is exempt.
4. Non-serious violation subject to mandatory penalties.

**ADDED/DELETED VIOLATIONS FROM 4/1/2004 THROUGH 12/31/2007**

Group I Serious Violations:	0
Group II Serious Violations:	3
Non-serious Violations Not Subject to MPc:	(3)
Non-serious Violations Subject to MPc:	3
<b><u>Total Additional Violations Subject to MPc:</u></b>	<b><u>6</u></b>

**Additional Mandatory Minimum Penalty (2004-2007) = (3 Serious Violations + 3 Non-Serious Violations) x \$3,000 = \$18,000**

**VIOLATIONS FROM 1/1/2008 THROUGH 12/31/2008**

Group I Serious Violations:	0
Group II Serious Violations:	0
Non-Serious Exempt from MPs:	<del>102</del>
Non-serious Violations Subject to MPs:	<b>118</b>
<b><u>Total Violations Subject to MPs:</u></b>	<b><u>118</u></b>

**Mandatory Minimum Penalty (2008) = (0 Serious Violations + ~~118~~ Non-Serious Violations) x \$3,000 =**  
**~~\$354,000~~**

**~~Total Mandatory Minimum Penalty Due = \$18,000 + \$33,000 = \$51,000~~**

Deleted violations are shown in strikeout font.  
Added violations are shown in bold font.